IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6556 OF 2006

Baburao Bhaguji Jagtap
Since deceased, through legal heirs
1a Vilas Baburao Jagtap
& Ors. .. Petitioners.

vs.

Bhausaheb Ranuba Jagtap
& Ors. . .. Respondents.

Ms. Smita Gaidhani for petitioners.

CORAM : A.P. DESHPANDE, J.

DATE : 17th November, 2006.

P.C.

. The respondents/plaintiffs instituted a suit for perpetual injunction seeking to restrain the petitioners/defendants from obstructing his approach way to the field. The trial court rejected the application moved by the respondents claiming temporary injunction. In the Misc. First Appeal preferred by the respondents the First Appellate Court has granted the temporary injunction prayed for thereby permitting the respondents to use the approach way which is held to be in existence by the

First Appellate Court. The suit is of the year 2004.

2. Perused the order passed by the First Appellate Court. No interference is called for. However, having regard to the peculiar facts of this case, in my view ends of justice will be met by directing the trial Court to decide the suit as expeditiously as possible. I hope and trust that the trial court will decide the suit as expeditiously as possible and hopefully by end of April, 2007.

3. At this stage, the learned counsel for the petitioner expressed an apprehension that the observations made by the First Appellate Court may weigh with the trial Court in deciding the said suit. The said apprehension is not well founded for the reason that the observations made in Misc. civil appeal arising out of temporary injunction order are always prima facie in nature and would not weigh with the trial Court while deciding the suit on merits.

. C.C. expedited.

(A.P. Deshpande, J.)